1. INTRODUCTION

1.A BACKGROUND

Proposition 111, passed in June 1990, provided additional transportation funding through a $.09 per gallon increase in the state gas tax. This equates to an estimated annual return of more than $6.25 per person for cities within San Bernardino County, and $7.1 million for the County.

Included with the provision for additional transportation funding was a requirement to undertake a Congestion Management Program within each county with an urbanized area of more than 50,000 populations, to be developed and adopted by a designated Congestion Management Agency (CMA). Within San Bernardino County, SANBAG was designated the CMA by the County Board of Supervisors and a majority of the cities representing a majority of the incorporated population.

The first countywide Congestion Management Program (CMP) was developed by SANBAG and its consultant, in cooperation with a technical advisory committee composed of planning and engineering staff from SANBAG, SANBAG member cities, the County, transit providers, the Southern California Association of Governments (SCAG), the California Department of Transportation (Caltrans), the South Coast Air Quality Management District (AQMD), and the Mojave Desert Air Quality Management District (MDAQMD). It was adopted in November 1992, and was updated in 1993 and 1995.

This document represents the third update of the countywide CMP, and reflects legislative changes enacted by the California Legislature following creation of the original program in 1990.

Although implementation of the Congestion Management Program was made voluntary by the passage of AB 2419 (Bowler), the CMP requirement has been retained in all five urban counties within the SCAG Region. In addition to its value as a transportation management tool, CMP's have been retained in these counties because of the Federal Congestion Management System requirement that applies to all large urban areas that are not in attainment of federal air quality standards. These counties recognize that the CMP provides a mechanism through which locally implemented programs can fulfill most aspects of a regional requirement that would otherwise have to be addressed by the Regional Agency (SCAG). The Federal Department of Transportation has stated that "the State's CMP is a principal element of the CMS."

1.B LEGISLATIVE INTENT AND LEGAL REQUIREMENTS

The California legislature's intent for the CMP is contained in Government Code Section 65088:

> "The Legislature finds and declares all of the following:
>
> (a) Although California's economy is critically dependent upon transportation, its current transportation system relies primarily upon a street and highway system designed to accommodate far fewer vehicles than are currently using the system.
>
> (b) California's transportation system is characterized by fragmented planning, both among jurisdictions involved and among the means of available transport.

(c) The lack of an integrated system and the increase in the number of vehicles are causing traffic congestion that each day results in 400,000 hours lost in traffic, 200 tons of pollutants released into the air we breathe, and three million one hundred thousand dollars ($3,100,000) added costs to the motoring public.

(d) To keep California moving, all methods and means of transport between major destinations must be coordinated to connect our vital economic and population centers.

(e) In order to develop the California economy to its full potential, it is intended that federal, state, and local agencies join with transit districts, business, private and environmental interests to develop and implement comprehensive strategies needed to develop appropriate responses to transportation needs."

The requirements for the CMP were formulated by the legislature to address these concerns.

Definitions of terms used in the statutes are provided in California Government Code Section 65088.1. Explanatory text not included in the Government Code is shown in italics:

(a) Unless the context requires otherwise, "regional agency" means the agency responsible for preparation of the regional transportation improvement program. *Within San Bernardino County, the regional agency is the Southern California Association of Governments (SCAG).*

(b) Unless the context requires otherwise, "agency" means the agency responsible for the preparation and adoption of the congestion management program. *Within San Bernardino County, the agency is SANBAG.*

(c) "Commission" means the California Transportation Commission.

(d) "Department" means the Department of Transportation *(Caltrans).*

(e) “Local jurisdiction” means a city, a county, or a city and county.

(f) "Parking cash-out program" means an employer-funded program under which an employer offers to provide a cash allowance to an employee equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space. "Parking subsidy" means the difference between the out-of-pocket amount paid by an employer on a regular basis in order to secure the availability of an employee parking space not owned by the employer and the price, if any, charged to an employee for use of that space. A parking cash-out program may include a requirement that employee participants certify that they will comply with the guidelines established by the employer designed to avoid neighborhood parking problems, with a provision that employees not complying with the guidelines will no longer be eligible for the cash-out program.

(g) "Urbanized area" has the same meaning as is defined in the 1990 federal census for urbanized areas of more than 50,000 population.

(h) "Interregional travel" means any trips that originate outside the boundary of the agency.

(i) "Multimodal" means the utilization of all available modes of travel that enhance the movement of people and goods, including, but not limited to, highway, transit, nonmotorized and demand management strategies including, but not limited to, telecommuting. The availability and practicality of specific multimodal systems, projects, and strategies varies by county and region in accordance with the size and complexity of different urbanized areas.

(j) "Level of service standard" is a threshold that defines a deficiency on the congestion management program highway and roadway system which requires the preparation of a deficiency plan. It is the intent of the Legislature that the agency shall use all elements of the program to implement strategies and actions that avoid the creation of deficiencies and to improve multimodal mobility.

California Government Code Section 65088.3 contains the conditions under which an urbanized county could opt out of State Congestion Management Program requirements:

> "This chapter does not apply in a county in which a majority of the local governments, collectively comprised of the city councils and the county board of supervisors, which in total also represent a majority of the population in the county, each adopt resolutions electing to be exempt from the congestion management program.

California Government Code Section 65088.5 states the requirements for use of Congestion Management Programs to meet federal congestion management system requirements:

> Congestion management programs, if prepared by county transportation commissions and transportation authorities created pursuant to Division 12 (commencing with Section 130000) of the Public Utilities Code, shall be used by the regional transportation planning agency to meet federal requirements for a congestion management system, and shall be incorporated into the congestion management system.

California Government Code Section 65089 states the requirements for Congestion Management Programs:

> "(a) A congestion management program shall be developed, adopted, and updated biennially, consistent with the schedule for adopting and updating the regional transportation improvement program, for every county that includes an urbanized area, and shall include every city and the county. The program shall be adopted at a noticed public hearing of the agency. The Program shall be developed in consultation with, and with the cooperation of, the transportation planning agency, regional transportation providers, local governments, the department, and the air pollution control district or the air quality management district, either by the county transportation commission, or by another public agency, as designated by resolutions adopted by the county board of supervisors and the city councils of a majority of the cities representing a majority of the population in the incorporated area of the county.

(b) The program shall contain all of the following elements:

(1) (A) Traffic level of service standards established for a system of highways and roadways designated by the agency. The system shall include at a minimum all state highways and principal arterials. No highway or roadway designated as a part of the system shall be removed from the system. All new state highways and principal arterials shall be designated as part of the system. Level of service (LOS) shall be measured by Circular 212, (or by the most recent version of the Highway Capacity Manual), or by a uniform methodology adopted by the agency which is consistent with the Highway Capacity Manual. The determination as to whether an alternative method is consistent with the Highway Capacity Manual shall be made by the regional agency, except that the department shall make this determination instead if either (I) the regional agency is also the agency, as those terms are defined in Section 65088.1, or (ii) the department is responsible for preparing the regional transportation improvement plan for the county.

(B) In no case shall the LOS standards established be below the level of service E or the current level, whichever is farthest from level of service A. When the level of service on a segment or at an intersection fails to attain the established level of service standard, a deficiency plan shall be adopted pursuant to Section 65089.4.

(2) A performance element that includes performance measures to evaluate current and future multimodal system performance for the movement of people and goods. At a minimum, these performance measures shall incorporate highway and roadway system performance, and measures established for the frequency and routing of public transit, and for the coordination of transit service provided by separate operators. These performance measures shall support mobility, air quality, land use, and economic objectives, and shall be used in the development of the capital improvement program required pursuant to paragraph (5), deficiency plans required pursuant to Section 65089.4, and the land use analysis program required pursuant to paragraph (4).

(3) A travel demand element that promotes alternative transportation methods, including, but not limited to, carpools, vanpools, transit, bicycles, and park-and-ride lots; improvements in the balance between jobs and housing; and other strategies, including, but not limited to, flexible work hours, telecommuting, and parking management programs. The agency shall consider parking cash-out programs during the development and update of the travel demand element.

(4) A program to analyze the impacts of land use decisions made by local jurisdictions on regional transportation systems, including an estimate of the costs associated with mitigating those impacts. This program shall measure, to the extent possible, the impact to the transportation system using the performance measures described in paragraph (2). In no case shall the program include an estimate of the costs of mitigating the impacts of interregional travel. The program shall provide credit for local public and private contributions to improvements to regional transportation systems. However, in the case of toll road facilities, credit shall only be allowed for local public and private contributions that are

unreimbursed from toll revenues or other state or federal sources. The agency shall calculate the amount of the credit to be provided. The program defined under this section may require implementation through the requirements and analysis of the California Environmental Quality Act, in order to avoid duplication.

(5) A seven year capital improvement program, developed using the performance measures described in paragraph (2) to determine effective projects that maintain or improve the performance of the multimodal system for the movement of people and goods, to mitigate regional transportation impacts identified pursuant to paragraph (4). The program shall conform to transportation-related vehicle emissions air quality mitigation measures, and include any project that will increase the capacity of the multimodal system. It is the intent of the Legislature that, when roadway projects are identified in the program, consideration be given to maintaining bicycle access and safety at a level comparable to that which existed prior to the improvement or alteration. The capital improvement program may also include safety, maintenance, and rehabilitation projects that do not enhance the capacity of the system but are necessary to preserve the investment in existing facilities.

(c) The agency, in consultation with the regional agency, cities, and the county shall develop a uniform data base on traffic impacts for use in a countywide transportation computer model and shall approve transportation computer models of specific areas within the county that will be used by local jurisdictions to determine the quantitative impacts of development on the circulation system that are based on the countywide model and standardized modeling assumptions and conventions. The computer models shall be consistent with the modeling methodology adopted by the regional planning agency. The data bases used in the models shall be consistent with the databases used by the regional planning agency. Where the regional agency has jurisdiction over two or more counties, the databases used by the agency shall be consistent with the databases used by the regional agency.

(d) (1) The city or county in which a commercial development will implement a parking cash-out program which is included in a congestion management program pursuant to subdivision (b), or a deficiency plan pursuant to Section 65089.4, shall grant to that development an appropriate reduction in parking requirements otherwise in effect for new commercial development.

(2) At the request of an existing commercial development that has implemented a parking cash-out program, the city or county shall grant an appropriate reduction in the parking requirements otherwise applicable based on the demonstrated reduced need for parking, and the space no longer needed for parking purposes may be used for other appropriate purposes.

California's use of the Congestion Management Program to implement the federal Congestion Management System (CMS) is indicated in Section 65089 (e):

"Pursuant to the federal Intermodal Surface Transportation Efficiency Act 1991 and regulations adopted pursuant to the act, the department shall submit a request to the Federal Highway

> Administration Division Administrator to accept the congestion management program in lieu of development of a new congestion management system otherwise required by the act."

The Certification of Management Systems and Workplans, including the CMS workplan, was prepared in a manner consistent with this direction, and was submitted by the department on December 8, 1994. It was accepted by the Federal Highway Administration Division Administrator on April 12, 1995.

Requirements for regional agency review and participation are contained in Government Code Section 65089.2:

> "(a) Congestion management programs shall be submitted to the regional agency. The regional agency shall evaluate the consistency between the program and the regional transportation plans required pursuant to Section 65080. In the case of multicounty regional transportation planning agency, that agency shall evaluate the consistency and compatibility of the programs within the region.
>
> (b) The regional agency, upon finding that the program is consistent, shall incorporate the program into the regional transportation improvement program as provided for in Section 65082. If the regional agency finds the program is inconsistent, it may exclude any project in the congestion management program from inclusion in the regional transportation improvement program.
>
> (c) (1) The regional agency shall not program any surface transportation funds and congestion mitigation and air quality funds pursuant to Section 182.6 and 192.7 of the Streets and Highways Code in a county unless a congestion management program has been adopted by December 31, 1992, as required pursuant to Section 65089. No surface transportation program funds or congestion mitigation and air quality funds shall be programmed for a project in a local jurisdiction that has been found to be in nonconformance with a congestion management program pursuant to Section 65089.5 unless the agency finds that the project is of regional significance.
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> (2) Notwithstanding any other provision of law, upon the designation of an urbanized area, pursuant to the 1990 federal census or a subsequent federal census, within a county which previously did not include an urbanized area, a congestion management program as required pursuant to Section 65089 shall be adopted within a period of 18 months after designation by the Governor.
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> (d) (1) It is the intent of the Legislature that the regional agency, when its boundaries include areas in more than one county, should resolve inconsistencies and mediate disputes which arise between agencies related to congestion management programs adopted for those areas.
>
> (2) It is the further intent of the Legislature that disputes which may arise between regional agencies, or agencies which are not within the boundaries of a multicounty regional transportation planning agency, should be mediated and resolved by the Secretary of the Business, Housing and Transportation Agency, or an employee of that agency designated by the secretary, in consultation with the air pollution control district or air quality management district within whose boundaries the regional agency or agencies are located.

(e) At the request of the agency, a local jurisdiction that owns, or is responsible for operation of, a trip-generating facility in another county shall participate in the congestion management program of the county where the facility is located. If a dispute arises involving a local jurisdiction, the agency may request the regional agency to mediate the dispute through procedures pursuant to subdivision (d) of Section 65089.2. Failure to resolve the dispute does not invalidate the congestion management program."

Monitoring of CMP implementation is addressed in Government Code Section 65089.3:

"The agency shall monitor the implementation of all elements of the congestion management program. The department is responsible for data collection and analysis on state highways, unless the agency designates that responsibility to another entity. The agency may also assign data collection and analysis responsibilities to other owners and operators of facilities or services if the responsibilities are specified in its adopted program. The agency shall consult with the department and other affected owners and operators in developing data collection and analysis procedures prior to program adoption. At least biennially, the agency shall determine if the county and cities are conforming to the congestion management program, including, but not limited to, all of the following:

(a) Consistency with levels of service standards, except as provided in Section 65089.4.

(b) Adoption and implementation of a program to analyze the impacts of land use decisions, including the estimate of the costs associated with mitigating these impacts.

(c) Adoption and implementation of a deficiency plan pursuant to Section 65089.4 when highway and roadway level of service standards are not maintained on portions of the designated system.

CMP deficiency plan requirements are specified in Government Code Section 65089.4:

(a) A local jurisdiction shall prepare a deficiency plan when highway or roadway level of service standards are not maintained on segments or intersections of the designated system. The deficiency plan shall be adopted by the city or county at a noticed public hearing.

(b) The agency shall calculate the impacts subject to exclusion pursuant to subdivision (f) of this section, after consultation with the regional agency, the department, and the local air quality management district or air pollution control district. If the calculated traffic level of service following exclusion of these impacts is consistent with the level of service standard, the agency shall make a finding at a publicly noticed meeting that no deficiency plan is required and so notify the affected local jurisdiction.

(c) The agency shall be responsible for preparing and adopting procedures for local deficiency plan development and implementation responsibilities, consistent with the requirements of this section. The deficiency plan shall include all of the following:

(1) An analysis of the cause of the deficiency. This analysis shall include the following:

(A) Identification of the cause of the deficiency.

(B) Identification of the impacts of those local jurisdictions within the jurisdiction of the agency that contribute to the deficiency. These impacts shall be identified only if the calculated traffic level of service following exclusion of impacts pursuant to subdivision (f) indicates that the level of service standard has not been maintained, and shall be limited to impacts not subject to exclusion.

(2) A list of improvements necessary for the deficient segment or intersection to maintain the minimum level of service otherwise required and the estimated costs of the improvements.

(3) A list of improvements, programs, or actions, and estimates of costs, that will (A) measurably improve multimodal performance, using measures defined in paragraphs (1) and (2) of subdivision (b) of Section 65089, and (B) contribute to significant improvements in air quality, such as improved public transit service and facilities, improved nonmotorized transportation facilities, high occupancy vehicle facilities, parking cash-out programs, and transportation control measures. The air quality management district or air pollution control district shall establish and periodically revise a list of approved improvements, programs, and actions that meet the scope of this paragraph. If an improvement, program, or action on the approved list has not been fully implemented, it shall be deemed to contribute to significant improvements in air quality. If an improvement, program, or action is not on the approved list, it shall not be implemented unless approved by the local air quality management district or air pollution control district.

(4) An action plan, consistent with the provisions of Chapter 5 (commencing with Section 66000), that shall be implemented, consisting of improvements identified in paragraph (2), or improvements, programs, or actions identified in paragraph (3), that are found by the agency to be in the interest of the public health, safety and welfare. The action plan shall include a specific implementation schedule. The action plan shall include implementation strategies for those jurisdictions that have contributed to the cause of the deficiency in accordance with the agency's deficiency plan procedures. The action need not mitigate the impacts of any exclusions identified in subdivision (f). Action plan strategies shall identify the most effective implementation strategies for improving current and future system performance.

(d) A local jurisdiction shall forward its adopted deficiency plan to the agency within 12 months of the identification of the deficiency. The agency shall hold a noticed public hearing within 60 days of receiving the deficiency plan. Following that hearing, the agency shall either accept or reject the deficiency plan in its entirety, but the agency may not modify the deficiency plan. If the agency rejects the plan, it shall notify the local jurisdiction of the reasons for that rejection, and the local jurisdiction shall submit a revised plan within 90 days addressing the agency's concerns. Failure of a local jurisdiction to comply with the schedule and requirements of this section

shall be considered to be nonconformance for the purposes of Section 65089.5.

(e) The agency shall incorporate into its deficiency plan procedures a methodology for determining if deficiency impacts are caused by more than one local jurisdiction within the boundaries of the agency.

(1) If, according to the agency's methodology, it is determined that more than one local jurisdiction is responsible for causing a deficient segment or intersection, all responsible local jurisdictions shall participate in the development of a deficiency plan to be adopted by all participating local jurisdictions.

(2) The local jurisdiction in which the deficiency occurs shall have lead responsibility for developing the deficiency plan and for coordinating with other impacting local jurisdictions. If a local jurisdiction responsible for participating in a multi-jurisdictional deficiency plan does not adopt the deficiency plan in accordance with the schedule and requirements of paragraph (a) of this section, that jurisdiction shall be considered in nonconformance with the program for purposes of Section 65089.5.

(3) The agency shall establish a conflict resolution process for addressing conflicts or disputes between local jurisdictions in meeting the multi-jurisdictional deficiency plan responsibilities of this section.

(f) The analysis of the cause of the deficiency prepared pursuant to paragraph (1) of subdivision (c) shall exclude the following:

(1) Interregional travel.

(2) Construction, rehabilitation, or maintenance of facilities that impact the system.

(3) Freeway ramp metering.

(4) Traffic signal coordination by the state or other multijurisdictional agencies.

(5) Traffic generated by the provision of low and very low income housing.

(6) (A) Traffic generated by high density residential development located within one-fourth of a mile of a fixed rail passenger station.

(B) Traffic generated by any mixed use development located within one-fourth of a mile of a fixed rail passenger station, if more than half of the land area, or floor area, of the mixed use development is used for high density housing, as determined by the agency.

(g) For the purposes of this section, the following terms have the following meanings:

(1) "High density" means residential density development which contains a minimum of 24 dwelling units per acre and a minimum density per acre which is equal to or greater than 120 percent of the maximum residential density allowed under the local general plan and zoning ordinance. A project providing a minimum of 75 dwelling units per acre shall automatically be considered high density.

(2) "Mixed use development" means development which integrates compatible commercial or retail uses, or both, with residential uses, and which, due to the proximity of job locations, shopping opportunities, and residences, will discourage new trip generation."

The procedure for and penalties associated with a determination of nonconformance are stated in Government Code Section 65089.5:

> "(a) If, pursuant to the monitoring provided for in Section 65089.3, the agency determines, following a noticed public hearing, that a city or county is not conforming with the requirements of the congestion management program, the agency shall notify the city or county in writing of the specific areas of nonconformance. If, within 90 days of the receipt of the written notice of nonconformance, the city or county has not come into conformance with the congestion management program, the governing body of the agency shall make a finding of nonconformance and shall submit the finding to the commission and to the Controller.
>
> (b) (1) Upon receiving notice from the agency of nonconformance, the Controller shall withhold apportionments of funds required to be apportioned to that nonconforming city or county by Section 2105 of the Streets and Highways Code.
> (2) If, within the 12-month period following the receipt of a notice of nonconformance, the Controller is notified by the agency that the city or county is in conformance, the Controller shall allocate the apportionments withheld pursuant to this section to the city or county.
> (3) If the Controller is not notified by the agency that the city or county is in conformance pursuant to paragraph (2), the Controller shall allocate the apportionments withheld pursuant to this section to the agency.
>
> (c) The agency shall use funds apportioned under this section for projects of regional significance which are included in the capital improvement program required by paragraph (5) of subdivision (b) of Section 65089, or in a deficiency plan which has been adopted by the agency. The agency shall not use these funds for administration or planning purposes."

Government Code Section 65089.6 addresses the relationship between the CMP and general plan conformity:

> "Failure to complete or implement a congestion management program shall not give rise to a cause of action against a city or county for failing to conform with its general plan, unless the city or county incorporates the congestion management program into the circulation element of its general plan."

Certain developments are exempted from actions associated with the congestion management program by Government Code Section 65089.7:

> "A proposed development specified in a development agreement entered into prior to July 10, 1989, shall not be subject to any action taken to comply with this chapter, except actions required to be taken with respect to the trip reduction and travel demand element of a congestion management program pursuant to paragraph (3) of subdivision (b) of Section 65089."

Portions of the Government Code that provide insight or guidance to elements of the CMP, are restated within the appropriate CMP chapters.

1.C GOALS OF THE CONGESTION MANAGEMENT PROGRAM

The goals of the San Bernardino County Congestion Management Program are:

- Goal 1 - Maintain or enhance the performance of the multimodal transportation system, and minimize travel delay.
- Goal 2 - Assist in focusing available transportation funding on cost-effective responses to subregional and regional transportation needs.
- Goal 3 - Provide for technical consistency in multimodal transportation system analysis.
- Goal 4 - Help to coordinate development and implementation of subregional transportation strategies across jurisdictional boundaries.
- Goal 5 - Anticipate the impacts of proposed new development on the multimodal transportation system, provide consistent procedures to identify and evaluate the effectiveness of mitigation measures, and provide for adequate funding of mitigations.
- Goal 6 - Promote air quality and improve mobility through implementation of land use and transportation alternatives or incentives that reduce both vehicle trips and miles traveled, and vehicle emissions.

The CMP also incorporates the goals of the regional transportation plan. These are:

- Meet the regional and subregional mobility and access needs of increased employment and population while reducing congestion to 1990 levels of performance or better and enhancing goods movement.
- Ensure that transportation investments are cost effective, protect the environment, promote energy efficiency, and enhance the quality of life.
- Serve the transportation needs of everyone including the transit dependent, elderly, handicapped, and disadvantaged, for safe, reliable, and economical service.
- Develop regional transportation solutions that complement subregional transportation systems and serve the needs of subregions, cities and communities.
- Promote transportation strategies that are innovative and market based, encourage new technologies, and support the Southern California economy.

Additional policies and actions related to each CMP element are identified within the appropriate chapters.

1.D ELEMENTS OF THE CONGESTION MANAGEMENT PROGRAM

To meet these goals and the statutory requirements, the CMP includes the following elements:

- System Level of Service Element. Defines the CMP system of roadways, designates level of service standards for the system, and establishes procedures to be used to calculate level of service.
- Performance Measures Element. Identifies performance measures used to characterize the performance of the multimodal transportation system, including standards for transit routing and

frequency, and standards for the coordination of transit service provided by separate operators. Performance measures identified in this element are to be used in development of the capital improvement program, deficiency plans, and the land use analysis program.

- Land Use/Transportation Analysis Element. Provides a consistent method for analyzing the impacts of land use decisions on the CMP transportation system, and estimating the cost of mitigation.

- Travel Demand Element. Provides guidance for travel demand management ordinances enacted by local jurisdictions.

- Seven-year Capital Improvement Program. Contains improvements that maintain or improve traffic and transit performance and mitigate impacts on the regional system identified by the land use/transportation analysis program, deficiency plans, and other forecasting and analysis elements of the CMP.

Two additional components of the CMP support the five elements. First, the Congestion Management Agency is required to develop a uniform database on traffic impacts, consistent with the regional (Southern California Association of Governments) database, for use in the countywide transportation computer model. The CMA is also required to approve computer models of specific areas that are used by local jurisdictions to determine the impacts of land use changes, which add trips on the circulation system.

Monitoring is also an essential component of the CMP process. The local jurisdictions, Air Districts, Caltrans, and the CMA have monitoring responsibilities within the CMP framework. The CMA's responsibility is focused on assisting and ensuring compliance by local jurisdictions with the CMP requirements.

1.E THE CMA's APPROACH TO THE CONGESTION MANAGEMENT PROGRAM

The CMA's approach to the CMP in San Bernardino County is to maximize opportunities for local governments, the CMA, Caltrans and other planning and engineering agencies to implement efficient, comprehensive, multimodal transportation planning at a subregional scale to better focus transportation funding where needs are greatest, while minimizing procedural complications and redundancy. The intent is to make the planning and programming process more effective through consistent use and consolidation of existing processes wherever possible.

The CMP grants no land use authority to any regional agency, including the CMA. The process is unlikely to jeopardize local gas tax subventions unless cities or the County choose not to address deficiencies through preparation and implementation of deficiency plans. The program is designed to provide advance notice of potential transportation problems through two separate mechanisms: one which focuses on traffic forecasting and one which identifies impacts of land use decisions and evaluates available mitigations and their costs. The deficiency plan framework also provides local governments with opportunities to address deficiencies in a variety of ways, some of which are systemic and less capital-intensive than the traditional “add-a-lane” approach to mitigation.

Traffic congestion, long commutes, and smog have long been identified by many residents of San Bernardino County as among the most serious issues threatening our quality of life. Since 1984,

the population of San Bernardino County has increased more than 60 percent. In the same period, State highway lane miles in the County have increased about 2.5 percent. Several freeway segments now have peak period speeds less than 25 miles per hour, and operate at traffic level of service (LOS) F. Discussions with agencies in San Bernardino County have indicated that factors such as inadequate coordination between land use and transportation planning, lack of coordination and consistency among plans and activities of neighboring jurisdictions, and failure to mitigate interjurisdictional impacts have contributed to these problems. The CMP is a means to directly address these problems. It reinforces the land use/transportation linkage and promotes interjurisdictional planning, with the goal of maintaining or improving the performance of the regional transportation system while meeting air quality objectives.

While the CMP requires consideration of interjurisdictional transportation issues and provides for technical consistency among the various transportation planning efforts in progress, it is a transportation tool kit, not a transportation blueprint or plan. Instead, statute intends the Regional Transportation Plan (RTP) to be that blueprint, with the CMP as the subregional implementation mechanism for the Plan. The one element of the CMP in which planning is required, the deficiency plan, has purposely been defined flexibly in statute, to encourage the most appropriate solutions to unique local problems, as long as they are consistent with the RTP.

The sheer scale of the region addressed by SCAG's RTP necessitates that its scope is restricted to regionally significant transportation facilities, programs, and issues. However, beginning with the 1994 RTP and continuing with the 1998 and 2001 RTPs, SCAG has solicited more detailed input from Transportation Commissions, subregional agencies, and local governments. In response, SANBAG has undertaken preparation of a countywide Comprehensive Transportation Plan designed to address local, as well as regional transportation issues affecting San Bernardino County. Recognizing that the Comprehensive Transportation Plan provides a forum through which all jurisdictions and interests can participate in collectively developing long-term, subarea-level transportation strategies to be implemented through the CMP, the SANBAG Board of Directors acted in October 1994 to provide policy direction that the Comprehensive Transportation Plan should define the actions to be implemented through locally adopted deficiency plans.

1.F CMP BENEFITS AND RESPONSIBILITIES

The Congestion Management Program benefits the regional transportation system, local planning efforts, and air quality by:

- Defining the existing and future regional multimodal transportation system, and objectively evaluating proposed improvements using standardized methods.
- Providing a process to relate land use and transportation plans, analyze the impacts of land use changes, which add trips or miles traveled to the regional transportation system, and provide for interjurisdictional communication and coordination.
- Providing for a countywide database of transportation information, including traffic counts and travel demand forecasts, available to each jurisdiction to support planning activities.
- Requiring periodic monitoring of the performance of the multimodal

transportation system, including standardized level of service analysis procedures, and report formats that will provide information on current roadway and transit operations. In addition, a consistent approach to travel demand forecasting will be used throughout the county to evaluate future system performance. These tools provide decision makers with knowledge needed to more effectively evaluate proposed improvements on the regional transportation system.

- Providing a basis for selecting and implementing those transportation programs that provide the greatest performance and air quality benefits.

- Providing a forum for local jurisdictions, the CMA, Caltrans, and air districts to cooperatively identify opportunities to improve regional transportation system performance and air quality. The CMP process also enhances communication and coordination between local jurisdictions and Caltrans on development activities or improvements adjacent to state highways.

- Providing a procedural framework within which regional and long-range transportation planning and programming can be accomplished comprehensively in coordination with all jurisdictions.

The Congestion Management Program imposes responsibilities on the CMA and the local jurisdictions, as well as explicit or implicit penalties for failure to fulfill the responsibilities. The CMA is required to:

- Develop, update, and monitor implementation of the Congestion Management Program.

- Ensure that the County and cities are in conformance with the CMP through use of consistent methods, maintenance of performance standards or adoption and implementation of deficiency plans, implementation of travel demand management strategies, and adoption and implementation of a program to analyze the impacts of land use decisions on the transportation system, including estimates of costs to mitigate the impacts.

- Through the monitoring program, ensure that the performance standards on the CMP system are maintained, or that deficiency plans to improve system performance or return to the designated standard are prepared and implemented by the local jurisdictions.

The local jurisdictions' responsibilities include:

- Use consistent LOS calculation methodologies, performance standards, and travel forecasting techniques.

- Implement the land use/transportation analysis program.

- Participate in annual monitoring activities, maintain acceptable performance levels on the CMP system of roadways, or if necessary, prepare, adopt, and implement an areawide Deficiency Plan.

Failure of local jurisdictions to fulfill these responsibilities would be grounds for loss of state gas tax funding.

1.G ORGANIZATION OF THE CMP

The CMP consists of the elements defined above. In addition to chapters addressing these elements, additional chapters are provided, plus several appendices. Following the introduction, the CMP document is organized as follows:

- Chapter Two - System Level of Service Element (The CMP Transportation System, including the designated CMP System of Roadways)
- Chapter Three - The Performance Measures Element (The criteria used to determine multimodal transportation system performance, and to select the strategies to be implemented as part of the CMP Transportation Program. This chapter also includes the CMP Level of Service (LOS) standards and procedures to calculate traffic LOS).
- Chapter Four - Land Use/Transportation Analysis Program (A consistent approach to identifying the impact of land use changes on the regional transportation system, possible mitigations, and their costs)
- Chapter Five - Travel Demand Management Element
- Chapter Six - Capital Improvement Program Element
- Chapter Seven - Monitoring and Transportation Modeling
- Chapter Eight - Deficiency Plans
- Appendix A - Level of Service Analysis Procedures and Monitoring Results
- Appendix B - California Government Codes Referencing the CMP
- Appendix C - Guidelines for Traffic Impact Analysis Reports
- Appendix D - Guidelines for Preparing Deficiency Plans
- Appendix E - CMP Capital Improvement Program
- Appendix F - Conflict Resolution Procedure

Most chapters are structured according to the following format:

- Legal Requirements
- Objectives, Policies, and Actions
- Benefits
- Implications
- The Process
- Agency Responsibilities

Variations in this format are occasionally necessary to address the unique needs of a specific element or process.

1.H SUMMARY OF THE SAN BERNARDINO COUNTY CMP

Chapters 2 through 8, plus the appendices, comprise the remainder of the San Bernardino County CMP. Each chapter contains background information and the approach to the specific element. This summary provides a synopsis of each component of the CMP.

One of the significant benefits of implementing the CMP is the identification of cost-effective improvements and strategies for mitigation of

performance problems on the CMP system. Figure 1-1 indicates the process leading to the identification of the mitigation plans and inclusion into the capital improvements program. Plans for the mitigation of performance problems on the system can come from several sources: Traffic Impact Analysis Reports, annual CMP modeling, and most importantly, from areawide deficiency plans. There is extensive interaction among the components of the CMP. The summary presented below lists program components and describes their interrelationships:

- Congestion Management Agency (CMA). SANBAG was designated as the CMA in August 1990.

- The CMP System of Roads. The system includes approximately 1500 miles of State highways and principal arterials. Approximately 500 miles of the roadway system are in the Valley Region and 176 miles are in the Victor Valley Region. The principal arterials were identified through input from local jurisdictions. Future additions to the CMP road system will be based on local recommendations. The term "CMP intersection" refers to the intersections of two CMP roadways. "Key intersections" include all CMP intersections plus other intersections on CMP links considered to be important for level of service monitoring. There are approximately 370 key intersections on the CMP roadway system.

- Level of Service Standards. The adopted level of service standards for the CMP system are the minimum standards allowed in California Government Code Section 65089(b)(1)(B): level of service E for all segments and intersections except those designated level of service F in Chapter 2 of the CMP. In addition, a provision is made for any level of service F facility not to deteriorate greater than 10 percent below its level of service value at the time of initial CMP adoption. This provision is included to avoid dismissal of a serious congestion problem. In addition, a discussion of differential level of service standards for "transit/TDM emphasis areas" is included in Chapter 2. Lower traffic levels of service could be employed within these areas if combinations of modal alternatives, higher land use intensity, mixed uses, and compact land development patterns suggest that the multimodal transportation system could perform adequately in those areas, even with lower traffic levels of service. This concept is consistent with the statutory exemptions provided for in Government Code Section 65089.3(c)(6), and can be implemented through the deficiency plan process.

- Level of Service Procedures. The procedures in the 2000 Highway Capacity Manual (HCM) are adopted as the level of service procedures for the San Bernardino County CMP. In addition to the HCM, if the V/C of the critical movements is equal to or greater than 1.0, the intersection is considered to operate at level of service F. The 1988 Florida Department of Transportation Generalized Peak Hour/Peak Direction Level of Service tables are accepted for calculation of segment level of service. Provisions are also made for more advanced analysis techniques to be adopted in the future, such as traffic signal timing programs for arterials, and freeway simulation models for limited access facilities. The use of these advanced techniques will be at the discretion of each local jurisdiction.

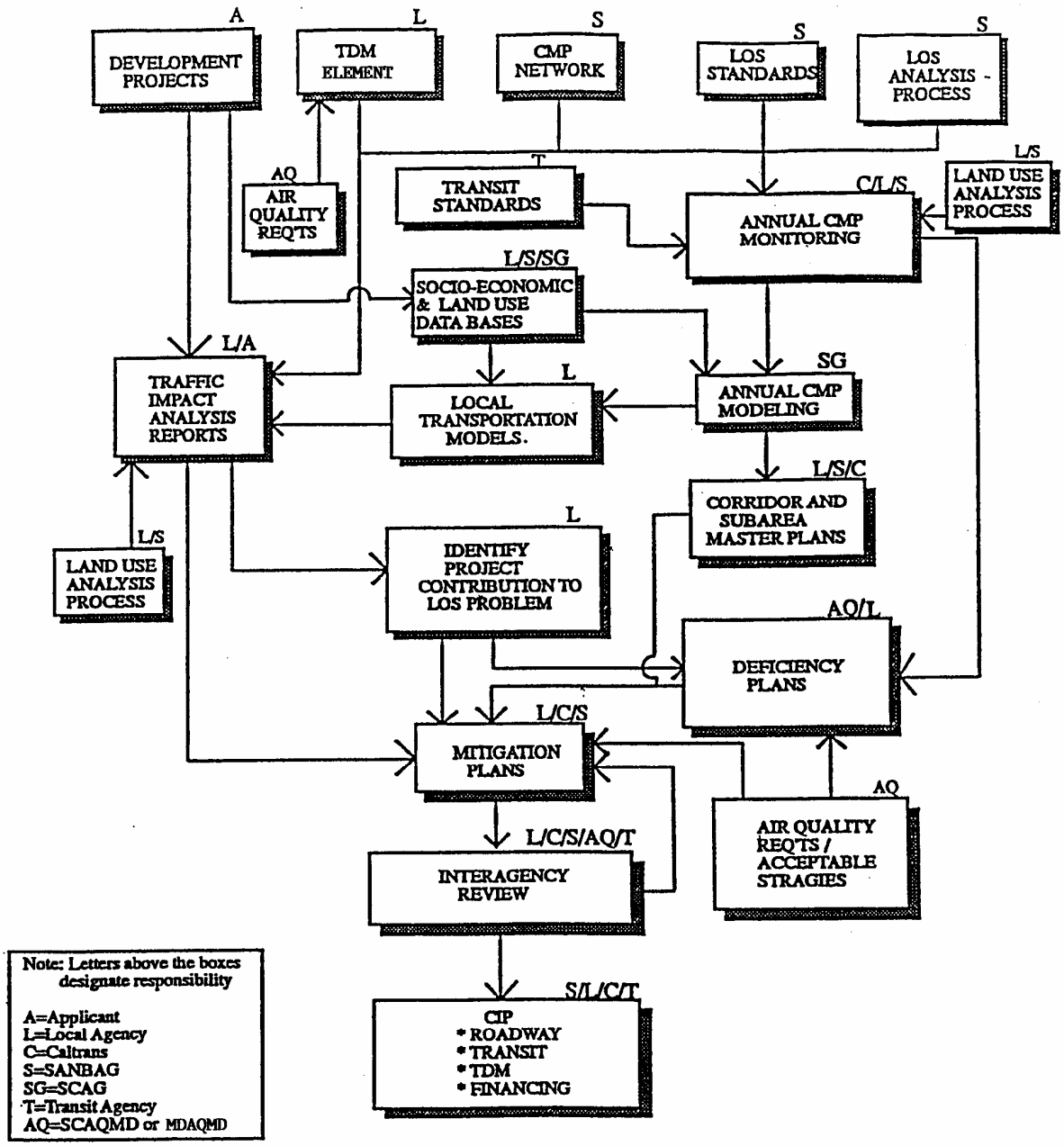

Figure 1-1. CMP Proccess Leading to Impact Mitigation and the Capital Improvement Program

- Performance Measures Element. Past CMP's were required to establish traffic level of service standards for the CMP system of roads, and also contained a separate transit element which established transit standards for routing, frequency, and coordination in relation to specific corridors, activity centers, and sites with more than 100 employees. The transit element also emphasized peak period service, in keeping with the objectives of congestion management, while maintaining sufficient levels of off-peak service for local mobility needs and transit-dependent ridership. It also identified commuter rail stations and express bus terminals as important focal points of transit activity, with planning for bus feeder service and encouragement of transit-oriented development. The new performance measures element retains the components of the former transit element, but refocuses attention on measures of multimodal system performance, which allow consideration, and comparison of modal alternatives in ways that were not possible when only mode-specific performance measures were used in the CMP. The performance measures specified in this element are also to be used in the land use analysis program, in project identification for the capital improvement program, and in determining the effectiveness of deficiency plan strategies in improving system wide transportation performance.

- The State of the System. The CMP provides a biennial report on the state of the CMP transportation system in San Bernardino County. As of 2001, the State of the System was as follows:

  - Freeways - LOS F is experienced on portions of I-10, I-215 and SR 60 in the AM and PM peak periods.

  - Valley Region Principal Arterials - Of the 382 intersections monitored, 192 are under State jurisdiction. The most serious level of service problems are in the PM peak hour. There are currently 12 intersections at LOS E or F in the PM peak period. In the AM peak hour, 7 intersections are at E or F. 11 of the LOS E and F intersections are in the West Valley, and the majority is monitored on state highways.

  - Victor Valley Principal Arterials - Of the 48 intersections, 30 are under State jurisdiction. One is currently at LOS E or F in the AM and four in the PM peak period. Special cases exist, for example, during peak skiing weekends when other roadways, such as U.S. 395, are heavily congested by interregional traffic.

  - Other areas - The next most serious LOS problems are seasonal in nature, particularly the weekend congestion on SR 330 to and from mountain ski areas. Special studies are in progress to address these issues.

  - Commuting patterns - Origin/destination information from Commuter Transportation Services indicates widely dispersed commuting patterns in

San Bernardino County. However, "corridors of opportunity" exist, and these can be used to advantage in focusing transit and TDM strategies.

- Land Use/Transportation Analysis Program. The emphasis of the Land Use/Transportation Analysis Program in earlier CMP's is individual project review. Linkages between this element, deficiency plans, and a comprehensive transportation plan which includes an assessment of funding shortfalls and identification of funding sources and strategies needed to complete the future transportation system, are expected to provide the basis of an improved land use/transportation analysis program. This will be incorporated into the CMP as area wide deficiency plans near completion and their relationship to an ongoing land use monitoring program is established.

  A key element of the current Land Use/Transportation Analysis Program is the Traffic Impact Analysis Report (TIA Report), to be prepared by local jurisdictions. The TIA Reports are designed to provide an improved basis for assessing the impacts of land use decisions on the regional transportation system, both within and outside the permitting jurisdictions, by providing a consistent format to identify impacts and mitigations, and to evaluate mitigation costs. All TIA Reports prepared by local jurisdictions shall be copied to the CMA. TIA reports shall be prepared for projects when required by local thresholds and criteria, but must be prepared for land use decisions that are equal to or greater than half the thresholds for regional review defined by the California Environmental Quality Act (CEQA). These thresholds are defined in Chapter 4. Several land use decisions in proximity to one another may be evaluated through a single TIA Report. The Land Use/Transportation Analysis Program is a significant tool within the CMP framework, along with the annual modeling, to anticipate and plan for future transportation improvements. In addition to the evaluation of specific development projects, land use decisions to be evaluated include general plan amendments and specific plans which exceed the threshold as determined by the number of new trips added to the transportation system. It is important that the program implemented by the local jurisdictions be applied consistently so that the analyses of potential impacts of land use decisions on the system of CMP roadways are as fair and equitable as possible.

- Annual CMP Forecasts. Periodic forecasts of future travel demand on the CMP roadway system are conducted using the CMP (CTP) model. Although the statutory CMP planning horizon is seven years, the CMP for San Bernardino County has consistently taken a longer view, to the year 2010 in the initial CMP and to 2015 or 2020 in this update. Given the complex fiscal and environmental hurdles that must be overcome prior to implementation of most transportation projects or programs, and the time required to complete the many of the regionally significant development projects which will determine many of the future transportation needs, a 20-year planning horizon (with interim forecasts as well) is the minimum needed to assure the necessary lead time.

- The Countywide Transportation Model and Data Base. The CMP models in

San Bernardino County are consistent with the SCAG regional model, and local models need to be consistent with the CMP model. All or portions of the CMP model can be made available to jurisdictions developing local models. Local models will normally be used as the basis for local traffic impact analysis reports, analysis for general plan updates and revisions, and localized corridor studies. Local models must cover sufficient area to be able to analyze the impacts of development on all CMP roadways, including those impacts that occur outside the jurisdictional boundaries. A memorandum prepared by SCAG, entitled "Guidelines for Local Transportation Model Development and Consistency in Riverside and San Bernardino Counties," will serve as the basis for maintaining an updated, consistent model data base.

- Travel Demand Management Element. The element is intended to provide guidance to local jurisdictions. Each local jurisdiction must consider travel demand management strategies to meet CMP requirements.

- Deficiency Plans. To remain in compliance with the CMP, a deficiency plan must be prepared, adopted, and implemented by local jurisdictions who contribute to situations in which a portion of the CMP road system falls below the level of service standard, as determined from the annual monitoring. The local jurisdiction in which the deficiency occurs is the lead agency, but the cost of and responsibility for plan preparation and implementation is to be shared among the agencies shown to be contributing to the deficiency. The SANBAG Board of Directors has provided policy guidance indicating that deficiencies should be addressed through areawide, rather than facility-specific deficiency plans, and that the actions to be implemented should be based directly on the Comprehensive Transportation Plan. In areas where State highways are involved, the deficiency plans must be prepared in conjunction with Caltrans.

- Conflict Resolution Procedure. A Conflict Resolution Procedure is included as Appendix G to provide administrative remedies to interjurisdictional problems that may arise related to impact analysis, definition of mitigations, and funding of mitigations on the CMP system.

- Monitoring Program. The monitoring program involves several activities: annual collection of traffic and roadway data, level of service analysis and reporting for the CMP, monitoring of transit system performance, and SANBAG monitoring of various elements of CMP implementation. The program takes advantage of existing resources within Caltrans and local jurisdictions and focuses on critical intersections and segments. All jurisdictions will participate in the collection of traffic data, with emphasis on intersection turning movement counts. Intersections within one LOS increment of the standard are to be counted every year. Other key intersections should be counted every third year, unless these intersections are determined to be in a high growth area, in which case they should be counted more frequently. The monitoring program will also collect regular information on traffic growth using control station counts. The CMA is legally obligated to monitor maintenance of LOS on the CMP road system, adoption and implementation of a

trip reduction/travel demand ordinance, and implementation of the land use analysis program by local jurisdictions. Caltrans and local jurisdictions will conduct traffic counts and level of service analyses for annual CMP updates and provide the results to the CMA.

- Capital Improvement Program. Capital projects and operational improvements will be identified through the annual modeling, subsequent corridor/subarea studies, TIA Reports, deficiency plans and other evaluations conducted by local jurisdictions, Air Districts, and Caltrans. Projects will be developed by each local jurisdiction and annually submitted to the CMA for inclusion into the CIP. Projects for inclusion in the Regional Transportation Improvement Program (RTIP) will be separately identified. Projects on non-CMP roadways may be included if they are shown to significantly improve a level of service deficiency on a CMP roadway.

1. CMP EVENTS

The CMP imposes certain obligations on all agencies involved. Some of these are set on an annual schedule. Others are driven by specific events, such as a development application. A summary of CMP scheduled and non-scheduled events is presented below:

Scheduled Events

By December 1 of odd-numbered years - CMP readoption

January 1 of Each Year

- Annual CMP modeling begins.

By April 1 of Each Year

CMP Traffic Counts Conducted.

- Turning movements (AM/PM peak periods) for all LOS D, E, or F intersections.
- For one third of others (local jurisdiction selects).
- Other intersections updated with growth factors.
- New counts on approximately 150 intersections (six to seven per jurisdiction, on average).

Draft CMP Forecasts Developed.

- The CMA/SCAG produce using the CMP model.
- Local jurisdictions may produce their own more detailed forecasts and submit to the CMA.
- Identify intersections and segments forecast to become deficient and ensure that they are addressed through existing deficiency plans.
- If intersections or segments forecast to become deficient in the near term are not in deficiency plan areas, initiate deficiency plan preparation.

By May 1 of Each Year

LOS Analyses Submitted to the CMA by Local Jurisdictions (Jurisdictions Work with Caltrans on State Highway LOS).

- May use computer files from previous CMP.

- Jurisdictions identify deficient intersections and segments, if any, which are not located within deficiency, plan areas.
- Jurisdictions may verify deficient intersections and segments using travel time runs.

Status of Local Jurisdiction CMP Activity Submitted to the CMA.

- Summary of CMP-reviewed development projects.
- Summary of TDM-related activity.
- Summary of transit activities and relationship to standards.

By June 1 of RTIP Years

- Local jurisdictions and Caltrans submit CMP CIP projects to the CMA.
- Include any capital project that improved level of service on CMP road system, independent of funding.
- Jurisdictions and the CMA identify RTIP projects within the overall CMP CIP.
- Local jurisdictions submit information on the implementation of TDM measures.

By June 1 of Each Year (until Deficiency Plans are adopted)

- Identify deficient intersections.

By July 1 of RTIP Years

The CMA compiles CMP Report.

- LOS analysis results and comparison with prior years.
- Identification of existing deficient intersections and segments.
- Summary of modeling and identification of intersections and segments forecast to become deficient.
- Action plan for corridor and subarea studies, committee activities, etc..
- Summary of other local jurisdiction CMP activity.
- Additions to the roadway system, if any.
- Changes to LOS standards, if any.

By November of RTIP Years

- CMA approval of CMP.

By November 1

Deficiency plans submitted to the CMA by local agencies.

- Identify causes of deficiency using modeling and prior TIA reports.
- Analyze exclusions:
  - Some may eliminate the need for plan.
- Based on the Comprehensive Transportation Plan, identify strategies to either maintain the traffic level of service at the CMP standard or better, or to provide system-level performance improvements and air quality benefits.
- Identify cost of mitigations.

- Formulate action plan, including implementation schedule.
- Plan will serve as input to CIP.

In November of Each Year

- Annual determination of conformance

CMP Non-Scheduled Events

TIA Reports.

- Triggered by application for development project, specific plan or significant update or amendment to general plan.
- Jurisdictions copy TIA Reports to the CMA, Caltrans, Air Districts, and impacted jurisdictions, based on criteria established in CMP.
- Identify cost to mitigate project impacts, regardless of location.
- Through Comprehensive Transportation Plan, identify transportation funding needs and shortfalls, and develop strategies to fully fund necessary facilities or programs.
- Through the CMP TAC, develop updated land use/transportation analysis procedures applicable to parts of the county where area wide deficiency plans are implemented. The updated procedures are expected to focus on assessment of the consistency of actual development with the growth assumptions underlying the Comprehensive Transportation Plan (CTP), modification of CTP strategies as needed, and phased implementation of the CTP based on the rates of development within the various areas of the County.